

SEPARATE STATEMENT OF COMMISSIONER KEVIN J. MARTIN

Re: Review of the Commission's Broadcast and Cable Equal Employment Opportunity Rules and Policies, Second Report and Order, MM Docket Nos. 98-204 (Nov. 7, 2002).

I am pleased to support this Order adopting Equal Employment Opportunity rules. Our goal has been to design an outreach program that is comprehensive, effective, and constitutional. I believe we have succeeded.

The program we have established ensures that broadcasters and multi-channel video programming distributors (MVPDs) will engage in expansive recruitment efforts, which will facilitate the ability of all members of society to learn about openings in the media sector. By choosing candidates from a larger, more diverse pool, broadcasters and MVPDs will be better able to find the most qualified candidates. A more talented workforce leads to improved programming, which ultimately benefits all consumers. The program we adopt today therefore should promote not just diversity, but also true competition.

I note that this Order does not reinstate the requirement that licensees submit annual reports on the race and gender make-up of their workforce. As we stated in the NPRM, collection of this information could be useful for analysis of industry trends, but it is not a part of our EEO program requirement and is in fact required pursuant to a separate provision of our rules.¹ We therefore will address the collection of this information in a future proceeding.

¹ See *Review of the Commission's Broadcast and Cable Equal Employment Opportunity Rules and Policies*, Second Notice of Proposed Rulemaking, 16 FCC Rcd 22843, 22858, ¶50 (2001).